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The FRS Company

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE BRANDON, on behalf of  
himself and all others similarly situated,

12 Plaintiff,

13 v.

14 The FRS Company, d/b/a The FRS  
Healthy Energy Company,

15 Defendant.  
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Case No. 3:11-cv-06639-RS

The Hon. Richard Seeborg

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND STAY PENDING  
SETTLEMENT DISCUSSIONS AND  
INFORMAL DISCOVERY, AND TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

[No Hearing Required]

Complaint Filed: December 23, 2011  
Trial Date: None Set

**STIPULATION**

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company ("FRS") seek to extend the stay of this case, for an additional seventy-five (75) days, to continue pursuing settlement discussions and exchange limited informal discovery in furtherance of those discussions;<sup>1</sup>

WHEREAS the only time modifications in this case to date are: (1) the Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of Complaint ("Motion"), such that plaintiff's opposition would be due March 16, 2012 and FRS's reply would be due March 29, 2012 (Dkt #12); and (4) the parties' stipulation and Court's Order to stay the case for sixty (60) days, up to and including May 21, 2012, which, among other things, continued the Case Management Conference from April 12, 2012 to June 21, 2012 (Dkt. #18);

WHEREAS a stay of the case for an additional seventy-five (75) days would only affect the schedule of the case by (1) staying the case up to and including August 6, 2012; (2) lifting the stay on August 7, 2012; (3) extending the deadline for FRS to file its reply in support of the Motion from June 4, 2012 to August 20, 2012, thirteen days after the stay is lifted; (4) continuing the hearing on the Motion from June 21, 2012 to September 6, 2012, or a subsequent date convenient to the Court; (5) continuing the Case Management Conference from June 21, 2012 to September 6, 2012, or a subsequent date convenient to the Court; and (6) extending the deadline for the parties to file their respective ADR Certifications to August 10, 2012, three days after the stay is lifted on May 22, 2012;

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<sup>1</sup> A stay of seventy-five (75) days (as opposed to the prior stay of sixty (60) days) is necessary to accommodate counsel's previously scheduled vacation.

THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge Seeborg's Standing Order Re: Initial Case Management, the parties through their undersigned counsel stipulate, subject to the Court's approval, as follows:

(1) the case is stayed for an additional seventy-five (75) days, up to and including August 6, 2012;

(2) the stay will be lifted on August 7, 2012;

(3) the deadline for FRS to file its reply in support of the Motion is extended to August 20, 2012;

(4) the hearing on the Motion is continued from June 21, 2012 at 1:30 p.m. to September 6, 2012 at 1:30 p.m., or whatever subsequent date and time is convenient to the Court;

(5) the Case Management Conference is continued from June 21, 2012 at 10:00 a.m. to September 6, 2012 at 10:00 a.m., or whatever subsequent date and time is convenient to the Court; and

(6) the deadline for the parties to file their respective ADR Certifications is extended to August 10, 2012.

Dated: May 18, 2012

FINKELSTEIN THOMPSON LLP

By /s/ Rosemary M. Rivas  
ROSEMARY M. RIVAS  
Attorneys for Plaintiff  
LAWRENCE BRANDON

Dated: May 18, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Neil A.F. Popović  
NEIL A.F. POPOVIĆ  
Attorneys for Defendant  
THE FRS COMPANY

**CERTIFICATION**

I, Neil A.F. Popović, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND STAY PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE. Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

Dated: May 18, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By                     /s/ Neil A.F. Popović                      
NEIL A.F. POPOVIĆ  
Attorneys for Defendant  
THE FRS COMPANY

**~~PROPOSED~~ ORDER**

Having considered the Stipulation and [Proposed] Order to Extend Stay Pending Settlement Discussions and Informal Discovery; and to Continue Case Management Conference entered into by plaintiff Lawrence Brandon and defendant The FRS Company ("FRS"), and good cause appearing therefor,

IT IS ORDERED THAT:

- (1) the case is stayed for sixty days, up to and including August 6, 2012;
- (2) the stay will be lifted on August 7, 2012;
- (3) the deadline for FRS to file its reply in support of its Motion to Strike Portions of Complaint ("Motion") is extended to August 20, 2012;
- (4) the hearing on the Motion is continued from June 21, 2012 at 1:30 p.m. to September 6, 2012 at 1:30 p.m.;
- (5) the Case Management Conference is continued from June 21, 2012 at 10:00 a.m. to September 6, 2012 at 10:00 a.m.; and
- (6) the deadline for the parties to file their respective ADR Certifications is extended to August 10, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/18/12



Honorable Richard Seeborg  
United States District Judge